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**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:11-cv-00676-PSG**

Thome v. U.S. Food and Drug Administration
Assigned to: Magistrate Judge Paul Singh Grewal
Cause: 05:552 Freedom of Information Act

Date Filed: 02/14/2011
Date Terminated: 07/28/2011
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Victor Thome

represented by **Thomas Francis Feerick**
Feerick Associates
539 Encinitas Blvd.
Suite 107
Encinitas, CA 92024
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Wendy M Behan
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619-238-1811
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Thomas F. Feerick

represented by **Thomas Francis Feerick**

is an attorney and is one of the attorneys
who are representing Mr . Thome

(See above for address)
ATTORNEY TO BE NOTICED

Wendy M Behan
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**U. S. Department of Health and Human
Services**

Defendant

U.S. Food and Drug Administration
U.S. Dept. of Health and Human Services

represented by **Claire T. Cormier**
United States Attorney's Office
Northern District of California, San Jose
Branch
150 Almaden Boulevard
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San Jose, CA 95113
408-535-5082
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Email: claire.cormier@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/14/2011	<u>1</u>	COMPLAINT for Violation of the Freedom of Information Act; Injunctive Relief and Other Appropriate Relief (Summons Issued) against U.S. Food and Drug Administration, (Filing fee \$ 350, receipt number 54611009107). Filed by Victor Thome. (Attachments: # <u>1</u> Civil Cover Sheet) (bw, COURT STAFF) (Filed on 2/14/2011) (Entered: 02/15/2011)
02/14/2011	<u>2</u>	Summons Issued as to U.S. Food and Drug Administration, (bw, COURT STAFF) (Filed on 2/14/2011) (Entered: 02/15/2011)
02/14/2011	<u>3</u>	ADR SCHEDULING ORDER: Case Management Statement due by 5/3/2011. Case Management Conference set for 5/10/2011 02:00 PM in Courtroom 5, 4th Floor, San Jose. (Attachments: # <u>1</u> Standing Order for Civil Practice in Cases Assigned for All

		Purposes to Magistrate Judge Paul S. Grewal, # 2 U.S. Magistrate Judge Paul S. Grewal Settlement Conference Procedures, # 3 San Jose Division Judges Standing Orders, # 4 Standing Orders Judges for Judges of the Northern District of California) (bw, COURT STAFF) (Filed on 2/14/2011) (Entered: 02/15/2011)
02/14/2011		CASE DESIGNATED for Electronic Filing. (bw, COURT STAFF) (Filed on 2/14/2011) (Entered: 02/15/2011)
03/03/2011	4	Ex Parte Application for Temporary Restraining Order to Preserve the Status Quo Until the Preliminary Injunction Hearing Regarding an Injunction Preventing the Defendants from Releasing any Documents and/or other Evidence filed by Victor Thome. (Attachments: # 1 Points & Authorities, # 2 Declaration, # 3 Exhibit, # 4 Exhibit, # 5 (Proposed) Order, # 6 Notice of Association of Counsel, # 7 Proof of Service)(Feerick, Thomas) (Filed on 3/3/2011) Modified on 3/3/2011 (bw, COURT STAFF). (Entered: 03/03/2011)
03/03/2011	5	Opposition to Plaintiff's Ex-Parte Application for Temporary Restraining order (re 4 filed by U.S. Food and Drug Administration. (Attachments: # 1 Declaration of Claire T. Cormier)(Cormier, Claire) (Filed on 3/3/2011) Modified on 3/4/2011 (bw, COURT STAFF). (Entered: 03/03/2011)
03/03/2011	6	CONSENT to Proceed Before a US Magistrate Judge by U.S. Food and Drug Administration. (Cormier, Claire) (Filed on 3/3/2011) Modified on 3/4/2011 (bw, COURT STAFF). (Entered: 03/03/2011)
03/03/2011	7	Declination to Proceed Before a U.S. Magistrate Judge and Request for Reassignment to a United States District Judge by Victor Thome. (Feerick, Thomas) (Filed on 3/3/2011) Modified on 3/4/2011 (bw, COURT STAFF). (Entered: 03/03/2011)
03/03/2011	8	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge: 5/10/11 Case Management Conference Vacated. Clerk to reassign case. (ofr, COURT STAFF) (Filed on 3/3/2011) (Entered: 03/03/2011)
03/03/2011		***Deadlines terminated. 8 TERMINATING 5/10/11 CASE MANAGEMENT CONFERENCE. (ofr, COURT STAFF) (Filed on 3/3/2011) (Entered: 03/03/2011)
03/04/2011	9	ORDER REASSIGNING CASE. Case reassigned to Judge Lucy H. Koh for all further proceedings and Magistrate Judge Paul Singh Grewal for all discovery matters. Signed by The Executive Committee on 3/4/2011. (tsh, COURT STAFF) (Filed on 3/4/2011) (Entered: 03/04/2011)
03/04/2011	10	FIRST AMENDED COMPLAINT <i>for Violation of Freedom of Information Act</i> against U.S. Food and Drug Administration. Filed by Victor Thome. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7)(Feerick, Thomas) (Filed on 3/4/2011) Modified on 4/26/2011 (cv,

		COURT STAFF). (Entered: 03/04/2011)
03/04/2011	<u>1</u> <u>1</u>	summons has not been issued by the court clerk. (Feerick, Thomas) (Filed on 3/4/2011) Modified text on 4/26/2011, (to conform with document posted by counsel.) (cv, COURT STAFF). (Entered: 03/04/2011)
03/09/2011	<u>1</u> <u>2</u>	ORDER DENYING <u>4</u> Ex Parte Application for Temporary Restraining Order. Case Management Statement due by 4/27/2011. Initial Case Management Conference set for 5/4/2011 02:00 PM in Courtroom 4, 5th Floor, San Jose. Signed by Judge Koh on 3/9/2011. (lhklc1, COURT STAFF) (Filed on 3/9/2011) (Entered: 03/09/2011)
04/07/2011	<u>1</u> <u>3</u>	MOTION to Dismiss filed by U.S. Food and Drug Administration. Motion Hearing set for 6/23/2011 01:30 PM in Courtroom 4, 5th Floor, San Jose before Hon. Lucy H. Koh. (Attachments: # <u>1</u> Declaration of Frederick J. Sadler, # <u>2</u> Exhibit Exhibits A through G to Sadler Declaration)(Cormier, Claire) (Filed on 4/7/2011) (Entered: 04/07/2011)
04/08/2011	<u>1</u> <u>4</u>	CLERKS NOTICE Continuing Motion Hearing, Set/Reset Deadlines as to <u>13</u> MOTION to Dismiss. Case Management Conference to follow motion on that date. Motion Hearing set for 6/30/2011 01:30 PM before Hon. Lucy H. Koh. (mpb, COURT STAFF) (Filed on 4/8/2011) (Entered: 04/08/2011)
04/19/2011	<u>1</u> <u>5</u>	Renotice motion hearing re <u>13</u> MOTION to Dismiss filed byU.S. Food and Drug Administration. Motion Hearing set for 7/21/2011 01:30 PM in Courtroom 4, 5th Floor, San Jose before Hon. Lucy H. Koh. (Related document(s) <u>13</u>) (Cormier, Claire) (Filed on 4/19/2011) (Entered: 04/19/2011)
04/25/2011	<u>1</u> <u>6</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Edward J. Davila for all further proceedings. Judge Lucy H. Koh no longer assigned to the case.Signed by The Executive Committee on 4/25/2011. (tsh, COURT STAFF) (Filed on 4/25/2011) (Entered: 04/25/2011)
04/26/2011		Pursuant to the Order Reassigning Case all hearings on motions and further deadlines terminated and must be renoticed in front of newly assigned Judge. (tsh, COURT STAFF) (Filed on 4/26/2011) (Entered: 04/26/2011)
04/26/2011	<u>1</u> <u>7</u>	CONSENT to Proceed Before a US Magistrate Judge by U.S. Food and Drug Administration (<i>Joint</i>).. (Cormier, Claire) (Filed on 4/26/2011) (Entered: 04/26/2011)
05/10/2011	<u>1</u> <u>8</u>	ORDER REASSIGNING CASE TO MAGISTRATE JUDGE FOR ALL PURPOSES re <u>17</u> Consent to Proceed Before a US Magistrate Judge. Signed by Judge Edward J. Davila on 5/10/2011. (ecg, COURT STAFF) (Filed on 5/10/2011) (Entered: 05/10/2011)
05/11/2011		Pursuant to Signed Order of Reassignment (<u>18</u>). Case Reassigned to Magistrate Judge Paul Singh Grewal for all further proceedings. Judge Edward J. Davila no

		longer assigned to this case. (tsh, COURT STAFF) (Filed on 5/11/2011) (Entered: 05/11/2011)
05/23/2011	1 9	CLERK'S NOTICE SETTING CASE MANAGEMENT CONFERENCE: Case Management Conference set for 6/14/2011 at 10:00 AM in Courtroom 5, 4th Floor, San Jose before Magistrate Judge Paul S. Grewal. Case Management Statement due by 6/7/2011. (ofr, COURT STAFF) (Filed on 5/23/2011) (Entered: 05/23/2011)
05/24/2011	2 0	CLERK'S NOTICE RESETTING TIME ON CASE MANAGEMENT CONFERENCE: 6/14/2011 10:00 AM Case Management Conference reset to 2:00 PM in Courtroom 5, 4th Floor, San Jose before Magistrate Judge Paul S. Grewal. (ofr, COURT STAFF) (Filed on 5/24/2011) (Entered: 05/24/2011)
05/26/2011	2 1	Amended Notice of Motion to Dismiss re 13 filed by U.S. Food and Drug Administration. Motion Hearing set for 7/26/2011 10:00 AM in Courtroom 5, 4th Floor, San Jose before Magistrate Judge Paul Singh Grewal. (Cormier, Claire) (Filed on 5/26/2011) Text modified on 5/27/2011 (bw, COURT STAFF). (Entered: 05/26/2011)
05/26/2011	2 2	Request to Appear by Telephone for the Case Management Conference filed by Victor Thome. Motion Hearing set for 6/14/2011 10:00 AM in Courtroom 5, 4th Floor, San Jose before Magistrate Judge Paul Singh Grewal. (Feerick, Thomas) (Filed on 5/26/2011) Modified on 5/27/2011 (ofr, COURT STAFF). Modified on 5/27/2011 (ofr, COURT STAFF). (Entered: 05/26/2011)
05/27/2011		***Deadlines terminated. 22 MOTION to Appear by Telephone <i>for the Case Management Conference</i> filed by Victor Thome. (ofr, COURT STAFF) (Filed on 5/27/2011) (Entered: 05/27/2011)
06/01/2011	2 3	STIPULATION and [proposed] order continuing case management conference by U.S. Food and Drug Administration. (Cormier, Claire) (Filed on 6/1/2011) (Entered: 06/01/2011)
06/02/2011	2 4	DISREGARD. FILED IN ERROR. See Docket No. 25 (Entered: 06/02/2011)
06/02/2011	2 5	ORDER Granting 23 Request to Continue Case Management Conference. Signed by Judge Paul S. Grewal on June 2, 2011.(psglc2, COURT STAFF) (Filed on 6/2/2011) (Entered: 06/06/2011)
07/05/2011	2 6	Opposition to Defendant U.S. Food and Drug Administration's Motion to Dismiss and Request for Joinder Under F. R. C. P. Rule 21 re 13 filed by Victor Thome. (Attachments: # 1 Affidavit of Attorney Thomas F. Feerick, # 2 Exhibit-Attachment to Affidavit)(Feerick, Thomas) (Filed on 7/5/2011) Text modified on 7/6/2011 (bw, COURT STAFF). (Entered: 07/05/2011)

07/11/2011	27	REPLY (re 13 MOTION to Dismiss) filed byU.S. Food and Drug Administration. (Cormier, Claire) (Filed on 7/11/2011) (Entered: 07/11/2011)
07/12/2011	28	MOTION to Appear by Telephone <i>for Motion to Dismiss Hearing</i> filed by Victor Thome. (Attachments: # 1 Affidavit Certificate of Service)(Feerick, Thomas) (Filed on 7/12/2011) (Entered: 07/12/2011)
07/12/2011	29	CLERK'S NOTICE RESETTING CASE MANAGEMENT CONFERENCE: 8/16/2011 Case Management Conference reset to 8/23/2011 at 2:00 PM in Courtroom 5, 4th Floor, San Jose before Magistrate Judge Paul S. Grewal. Joint Case Management Statement to be submitted no later than 8/16/2011. (ofr, COURT STAFF) (Filed on 7/12/2011) (Entered: 07/12/2011)
07/19/2011	30	Order by Magistrate Judge Paul Singh Grewal granting 28 Motion to Appear by Telephone.(psglc2, COURT STAFF) (Filed on 7/19/2011) (Entered: 07/19/2011)
07/26/2011	31	Minute Entry: Motion to Dismiss Hearing held on 7/26/2011 before Magistrate Judge Paul S. Grewal as to Docket 21 . The Court takes matter under submission; written order after hearing to be issued. (Date Filed: 7/26/2011). (Court Reporter: Irene Rodriguez.) (ofr, COURT STAFF) (Date Filed: 7/26/2011) (Entered: 07/26/2011)
07/27/2011	32	Order by Magistrate Judge Paul Singh Grewal granting 13 Motion to Dismiss. (psglc2, COURT STAFF) (Filed on 7/27/2011) (Entered: 07/27/2011)
07/27/2011	33	JUDGMENT. Signed by Judge Paul S. Grewal on July 27, 2011. (psglc2, COURT STAFF) (Filed on 7/27/2011) (Entered: 07/27/2011)
07/27/2011		***Deadlines terminated. 33 TERMINATING 8/23/2011 CASE MANAGEMENT CONFERENCE. (ofr, COURT STAFF) (Filed on 7/27/2011) (Entered: 07/27/2011)

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